

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DOUGLAS S. BROWN

Plaintiff,

v.

BANK OF AMERICA, N.A.

Defendant.

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Civil Action No. 05 10713 PBS  
Hon. Patti. B. Saris

Complaint Filed: April 11, 2005

**JOINT STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT**

The Plaintiff, Douglas S. Brown, and Defendant, Bank of America, N.A., hereby jointly state as follows:

1. On April 11, 2005, the Plaintiff filed a Complaint against Bank of America, N.A. in this Action seeking damages for breach of the Electronic Funds Transfer Act ("EFTA"), 15 U.S.C., §1693b(d)(3)(B)(i) and Regulation E, 12 C.F.R. §205.16(c)(1), and also requests that a class action be certified. On the same date, the Plaintiff served Bank of America, N.A. with the Summons and Complaint;
2. On April 12, 2005, Stephen Cawelti filed a similar Complaint in the United States District Court, Central District of California, Western Division, Case No. CV05 2680 SJO (CWx), and on April 27, 2005, James A. Prosser filed a similar Complaint in the United States District Court, District of Maryland, Case No. 1:05-cv-01134-CCB;

3. The Plaintiff in this Action also sent by certified mail to Bank of America, N.A. under Massachusetts General Laws Chapter 93A, a Demand Letter dated April 15, 2005.
4. This Action is now one of three actions pending against Bank of America, N.A. filed by Plaintiffs in different Federal District Courts and based on substantially similar facts and allegations;
5. In connection with the three Actions, the Parties have agreed to submit a Joint Motion for Transfer and Consolidation of these Actions before the Judicial Panel on Multidistrict Litigation; and
6. The Parties now agree that it is in the interest of efficiency and judicial economy to extend the time for Bank of America, N.A. to respond to the Complaint in this Action until after the Judicial Panel on Multidistrict Litigation has decided the above described Motion and to extend the time to respond to the Demand Letter.

Based upon the foregoing, the Parties agree that Bank of America, N.A. shall (i) have until June 17, 2005 to respond to the Demand Letter; and (ii) respond to the Complaint within thirty (30) days from the date of the decision on the Parties' Joint Motion to Transfer and Consolidate the three Actions by the Judicial Panel on Multidistrict Litigation, or the date both parties are notified of such Panel's decision, whichever is later.

Wherefore, IT IS HEREBY STIPULATED AND AGREED as follows:

1. that time in which Bank of America, N.A. must file a response to this Complaint is extended until thirty (30) days from the date of the Judicial Panel's decision on the Parties' Joint Motion to Transfer and Consolidate the three Actions, or the date both parties are notified of such Panel's decision, whichever is later; and

2. that Bank of America, N.A shall have until June 17, 2005 to respond to the Plaintiff's Demand Letter under Massachusetts General Laws Chapter 93A.

BANK OF AMERICA, N.A.

By its attorneys,

E. Macey Russell /s/

E. Macey Russell, P.C. (BBO #542371)

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Dated: June 2, 2005

DOUGLAS S. BROWN

By his attorneys,

/s/

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Dated: June 2, 2005